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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

WILLIAM CROCE, an individual,  
  
Plaintiff,

Case No.: 2:16-cv-02244-RFB-NJK

vs.

MASSACHUSETTS MUTUAL LIFE INSURANCE  
COMPANY, a Massachusetts corporation; WELLS  
FARGO ADVISORS, LLC, a Delaware Limited  
Liability Company; FIRST UNION  
CORPORATION, a North Carolina corporation; and  
DOES 1-10, and ROE ENTITIES 1-10, inclusive,  
  
Defendants.

**STIPULATION AND ORDER TO SET ASIDE DEFAULT OF FIRST UNION  
CORPORATION**

COMES NOW Plaintiff William Croce ("**Croce**"), by and through his attorneys, SMITH & SHAPIRO, PLLC, Defendant Massachusetts Mutual Life Insurance Company, a Massachusetts corporation ("**MassMutual**"), by and through its attorneys, GARMAN TURNER GORDON, LLP and STEVENS & LEE, PC, and Wells Fargo Advisors, LLC, a Delaware Limited Liability Company ("**Wells Fargo**"), by and through its attorneys, LEWIS ROCA ROTHGERBER CHRISTIE LLP, and hereby stipulate and agree as follows:

1. First Union Securities was erroneously sued as First Union Corporation in Plaintiff's Complaint.
2. On October 26, 2016, Croce filed a Motion for Entry of Clerk's Default as to First Union Corporation (#15).

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3. On October 27, 2016, the clerk filed an Entry of Default as to First Union Corporation (#16).

4. Wells Fargo's Answer to Complaint (#5) states that Wells Fargo is the successor in interest to First Union Securities, which was erroneously sued as First Union Corporation.

5. Because Wells Fargo is the successor in interest to First Union Securities, Wells Fargo's Answer to Complaint also serves as First Union Securities' Answer, and no separate Answer is needed from First Union Securities.

6. In light of the foregoing, the parties stipulate and agree that the Default which has been entered against First Union Corporation should be set aside.

IT IS SO STIPULATED.

Dated this 10<sup>th</sup> day of January, 2017.

SMITH & SHAPIRO, PLLC

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 Attorneys for Plaintiffs

Dated this 10<sup>th</sup> day of January, 2017.

GARMAN TURNER GORDON, LLP

/s/ Eric Olsen  
 Eric R. Olsen, Esq.  
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 Admitted Pro Hac Vice  
 Attorneys for Massachusetts Mutual Life Insurance Company

1 Dated this 10<sup>th</sup> day of January, 2017.

2 LEWIS ROCA ROTHGERBER CHRISTIE  
3 LLP

4 /s/ Matthew W. Park, Esq.

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Attorneys for Wells Fargo Advisors, LLC

8  
9 **IT IS SO ORDERED.**



RICHARD F. BOULWARE, II

United States District Court

DATED this 13th day of January, 2017.

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